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PTO/SB/64 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
190262-342957

First named inventor: NORMAN

Application No.: 10/798,420

Art Unit:

Filed: March 12, 2004

Examiner:

Title: Method and System for an Auction

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Reply (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/23/2005 SSESHE1 00000001 150633 10798420

04 FC:2453 750.00 DA

45-00-2002 25-00-71A

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u>Douglas E. Macchione # 28,518 FOR</u>	<u>March 18, 2005</u>
Signature	Date
<u>Alfred A. Macchione</u>	<u>40,333</u>
Typed or printed name	Registration Number, if applicable
<u>Suite 4700, 66 Wellington Street West</u>	<u>416-362-1812</u>
Address	Telephone Number
<u>Toronto ON M5K 1E6, Canada</u>	
Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Date

Signature

Typed or printed name of person signing certificate



Docket No.: 190262-342957

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeff Norman, Chris Twist, and Doug Campbell

Application No.: 10/798,420

Art Unit: 3624

Filed: March 12, 2004

Examiner: To Be Assigned

For: METHOD AND SYSTEM FOR AN AUCTION

PETITION UNDER 37 C.F.R. 1.47(a) IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR, JEFF NORMAN

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450
U.S.A.

Dear Sir:

The undersigned respectfully petitions the Commissioner for Patents and Trademarks to accept the signatures of Chris Twist and Doug Campbell, joint inventors of the invention claimed in the above-identified United States utility patent application, on behalf of non-signing inventor, Jeff Norman. In connection with this Petition, Applicant provides a copy of the following two Declarations:

- 1) Aileen Bronkhurst, dated December 22, 2004, as Exhibit A; and
- 2) Peter A. Sprukulis, dated December 22, 2004, as Exhibit B.

This petition is filed on two bases: (a) an inability to find inventor Jeff Norman and provide him with application papers, despite diligent efforts; and (b) a verbal refusal by inventor Jeff Norman, over the telephone, to review and sign any application papers, including the Declaration and Power of Attorney For Patent Application.

In connection with (a) above, the undersigned submits that diligent effort was made to reach Jeff Norman at his last-known address, as set forth below:

Mr. Jeff Norman
80 Mill Street
Toronto, Ontario
M5A 4T3
Canada

190262-342957
TDO-RED #8255423 v. 1

BEST AVAILABLE COPY

03/23/2005 SSESHE1 00000001 150633 10798420
03 FC:1463 200.00 DA

In Exhibit A, statements in Paragraphs 2-6 from Bronkhorst establish that a courier delivery to that address containing a copy of the subject patent application with a Declaration and Power of Attorney For Patent Application, was attempted. However, the delivery was unsuccessful because Mr. Norman's signature could not be obtained. Furthermore, as Aileen Bronkhorst's Declaration establishes, numerous internet searches were ineffective in identifying and/or confirming Mr. Norman's current residential address.

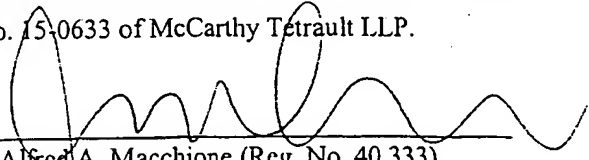
With respect to (b) above, in Exhibit B, statements in Paragraphs 3-9 from Sprukulis establish that inventor Jeff Norman expressly advised PDQAuto.com, Applicant for the invention described and claimed in the subject application, of his refusal to review and sign the application papers, including the Declaration and Power of Attorney For Patent Application that was executed by the two remaining inventors, Chris Twist and Doug Campbell.

On the basis of the foregoing, it is respectfully submitted that Jeff Norman refuses to join in the present application.

Chris Twist and Doug Campbell, two joint inventors of the subject application, have made declarations of their own accord, and now make a further declaration on behalf of the non-signing inventor, Jeff Norman, who refuses to join in the application. In view of the combined declarations and the Statements in Exhibits A and B – which include proof of diligent efforts to deliver application papers to Jeff Norman; proof of diligent efforts to obtain Mr. Norman's signature on the Declaration and Power of Attorney For Patent Application; and proof of Mr. Norman's express refusal to sign the application papers – the Commissioner is respectfully requested, pursuant to M.P.E.P. §409.03(a), to treat the enclosed Declaration and Power of Attorney For Patent Application, signed by the available joint inventors, as having been signed on behalf of the non-signing inventor, Jeff Norman, as well.

Per the enclosed fee sheet, Applicant authorizes the Commissioner to charge the \$130.00 petition fee, pursuant to 1.17(h), to Deposit Account No. 15-0633 of McCarthy Tétrault LLP.

December 24, 2004
Date


Alfred A. Macchione (Reg. No. 40,333)
Agent for Applicant

McCarthy Tétrault LLP
P.O. Box 48, Suite 4700
Toronto Dominion Bank Tower
66 Wellington Street West
Toronto, ON M5K 1E6 Canada
Telephone: (416) 601-7729
Facsimile: (416) 868-0673



Docket No.: 190262-342957

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeff Norman, Chris Twist, and Doug Campbell

Application No.: 10/798,420

Art Unit: 3624

Filed: March 12, 2004

Examiner: To Be Assigned

For: METHOD AND SYSTEM FOR AN AUCTION

**DECLARATION OF AILEEN BRONKHORST AND STATEMENT OF FACTS IN
SUPPORT OF FILING ON BEHALF OF JEFF NORMAN UNDER 37 C.F.R. 1.47(a)**

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450
U.S.A.

Dear Sir:

I, Aileen Bronkhorst, being duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent resulting therefrom, declare that:

1. I am an assistant in the Patent Department of McCarthy Tétrault LLP, which has been retained as the Applicant's patent agent in connection with the above-identified United States patent application. As such, I have knowledge of the matters to which I refer in this declaration.

2. In my capacity as patent assistant, I was charged with the task of forwarding application papers, including a copy of the patent application (patent specification, claims, and drawings) and a Declaration and Power of Attorney For Patent Application, to Jeff Norman, one of the inventors named to the above-identified application. I was provided with Jeff Norman's last-known residential address, as follows:

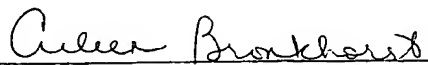
Mr. Jeff Norman
80 Mill Street
Toronto, Ontario
M5A 4T3
Canada

3. Following standard office procedure, I forwarded a copy of the patent application (including specification, claims, and drawings), a copy of the Declaration and Power of Attorney For Patent Application, and a cover letter with instructions, by same-day courier, to Jeff Norman at the above address on December 21, 2004. A copy of the cover letter, signed and dated, is attached to this declaration. Additionally, a copy of the addressed envelope, with Parss Courier Inc.'s stamp and waybill number, is attached to this declaration.

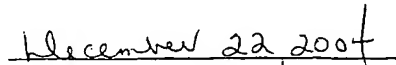
4. On the same day, Parss Courier Inc. advised me that the envelope containing the application papers was undeliverable because Jeff Norman's signature could not be obtained at the specified address. A copy of the courier's waybill records was provided to me as evidence of the failed attempt to deliver the application papers to Mr. Norman, and is attached hereto as evidence that I could not find or reach Mr. Norman. The waybill records show the attempted delivery to Mr. Norman as entry #15, and indicate that the envelope was "returned to McCarthy".

5. After the package containing the application papers was returned to me, I took additional steps to locate the whereabouts of Jeff Norman. In particular, I attempted to locate an address for Jeff Norman on the internet. I performed a number of internet searches, and had a number of potentially-viable hits, but was unable to identify the Jeff Norman who is named as first inventor to the subject application. Copies of my web searches are attached hereto as evidence of my diligent, but unsuccessful, attempts to locate inventor Jeff Norman.

6. The facts set forth in this Declaration are true; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.



Aileen Bronkhorst



Date

Barristers & Solicitors
Patent & Trade-mark Agents

McCarthy Tétrault



McCarthy Tétrault LLP
Box 48, Suite 4700
Toronto Dominion Bank Tower
Toronto, ON M5K 1E6
Canada
Telephone: 416-362-1812
Facsimile: 416-868-0673
mccarthy.ca

Lisa Melanson
Direct Line: 416-601-7595
E-Mail: lmelanson@mccarthy.ca

VIA SAME-DAY COURIER

December 21, 2004

Mr. Jeff Norman
80 Mill Street
Toronto, Ontario
M5A 4T3

Dear Mr. Norman:

Re: United States Patent Application No. 10/798,420
Title: METHOD AND SYSTEM FOR AN AUCTION
Inventors: NORMAN, Jeff; TWIST, Chris; and CAMPBELL, Doug
Our Ref. No.: 190262-342957 (T01083-0003-US)

Please find enclosed a copy of a patent application that has been filed with the United States Patent and Trademark Office ("USPTO") in connection with the above-identified matter.

In an effort to complete the USPTO's outstanding formal filing requirements, we also enclose a Declaration and Power of Attorney document for your signature. After reviewing the enclosed patent application, kindly date and sign the Declaration / Power of Attorney, and return it to our office by December 27, 2004.

Should you have any questions, please do not hesitate to contact us.

Yours very truly,
MCCARTHY TÉTRAULT LLP
Per:

A handwritten signature in cursive script that reads "McCarthy Tétrault".

Lisa Melanson
admitted in New York
admission in Ontario pending

LMM/ab

c: Alfred A. Macchione

190262-342957
TDO-RED #8256006 v. 1

Vancouver, Calgary, London, Toronto, Ottawa, Montréal, Québec, New York and London, England

Barristers & Solicitors
Patent & Trade-mark Agents

McCarthy Tétrault

McCarthy Tétrault LLP
Box 48, Suite 4700
Toronto Dominion Bank Tower
Toronto ON M5K 1E6
Canada

Mr. Jeff Norman
80 Mill St.
Toronto, Ontario
M5A 4T3

VIA COURIER

BROKER # 94

PARSS COURIER INC.

TEL: (416) 596-7111 Fax: (416) 596-7111

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WAYBILL#

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Signature: M. Sorelle

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Signature: M. Sorelle

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Signature: E. Laro

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Signature: E. Laro

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PATRICIA QUIROGA

Kelly Morgan

A. Macc

Signature: Kelly Morgan

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.. Sajus Technologies Inc. ..

... of **Toronto** has implemented Sajus EMI ... number of ways those customer calls are received
 at our office - e-mail, phone and fax," says **Jeff Norman**, Chief Financial ...
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Fonds d'investissement des travailleurs - [[Translate this page](#)]

... **Jeff Norman** (905) 465 - 4547, **Jeff Norman** (905) 465 - 4547. 10144, 1 déc 2003, X,
 RoyNat Canadian Diversified Fund Inc. 65, rue Queen O. bureau 501 **Toronto**, ON ...
www.trd.fin.gov.on.ca/userfiles/page_attachments/Library/3/IRIF_Isif_register_june2004.htm - 30k -
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Canada NewsWire

... investment (APIF trust units are traded on the **Toronto** Stock Exchange ... on earlier
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... **TORONTO**, Oct. ... as they demonstrate the depth of investment potential in the independent
 electrical power generation sector", says APVF President, **Jeff Norman**. ...
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... No doubt about it, we got outplayed," said Lewis, who, along with teammates Willie
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... **Jeff Norman** (905) 465 - 4547 **Jeff Norman** (905) 465 - 4547 10144 1 déc 2003 X RoyNatCanadian Diversified Fund Inc. 65, rue Queen O. bureau 501 **Toronto**, ON M5H ...www.trd.fin.gov.on.ca/userfiles/page_attachments/Library/3/IRIF_Isifregister_june2004.pdf?N_ID=3 -[Similar pages](#)Ex-Wrench lead likes Canada's gold hopes... I am going to be the Earl (Morris) of **Toronto**."; On this weekend's event: "I ... TheZone 2A winner was **Jeff Norman** from the Hylands CC, while the Rideau's Willie ...chl.ca/Slam020220/cur_exw-sun.html - 36k - Supplemental Result - [Cached](#) - [Similar pages](#)COSC3421 Assignment 4 discussions

... rankings (command 3). example 2: ==== BEGIN EMPLOYEE /Jack /60432455 4 / AI / 2001

5 / **Jeff Norman** / 715324523 / M / 55 York Cr. **Toronto** END description ...www.cs.yorku.ca/course_archive/2000-01/S/3421/discuss.html - 39k - Supplemental Result -[Cached](#) - [Similar pages](#)Ottawa Sun Online: SPORTS - A Willie big show at Carp... after a Jeffries' deuce. Joining Jeffries were **Jeff Norman**, Mark Rogers

and Chris Ciasnocha. CASHING IN. Other cash recipients were ...

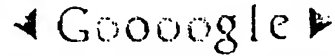
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an intellectual property partner with the Chicago law firm Kirkland Ellis ...

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 FAX ... y **Jeff Norman** s'est joint récemment à Altamira Investments Services Inc ...
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children's festival

... to get into a Music with Marnie concert." – Tracey & **Jeff Norman**, Vancouver, BC. ...
 The public loves them – they really are Canadian stars." – **Toronto Star**. ...
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ENGINEERING SOCIETY OF QUEEN'S UNIVERSITY

... hired. Matt McAdam and **Jeff Norman** are now part of that team. ... happy. -Next week we have a bus going to **Toronto** to see a **Toronto** Rock game. ...
engsoc.queensu.ca/society/meetings/2002-2003/minutes/min01-16-03.html - 96k - [Cached](#) - [Similar pages](#)

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... Bringing TV for the first time (CFTO **Toronto**) to be aired later. ... 50 km in 2:48 06
 1980 by **Jeff Norman** -pace per mile of 5:05; 50 miles in 4:50:51 1984 by Bruce ...
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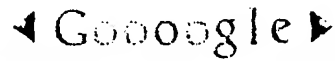
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... 1.2 The matters leading up to the issuance of this Notice of Hearing arose from a referral by The Toronto Stock Exchange ("TSE") to ... "Jeff Norman" Brenda Eprile ...
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... My dream really began at the end of Tamakwa '99 when I returned to Toronto
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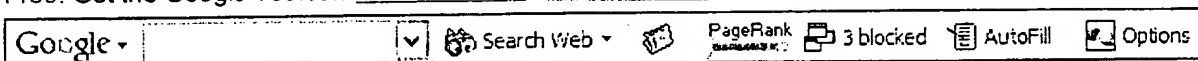
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





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... 8 of the **Toronto** East York Community Council, as ... **Jeff Norman** appeared before the **Toronto** East York Community Council in connection with the ...
[city.toronto.on.ca/legdocs/2001/.../council/cc011106/to8rpt/cl015.pdf](#) - 21k - [View as html](#) - [More pages from this site](#)
2. http://www.cs.yorku.ca/course_archive/2000-01/S/3421/discuss.html 
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... **TORONTO**, March 24 /CNW/ - The Algonquin Power Group is pleased to announce the successful conclusion ... in our inaugural year," says **Jeff Norman**, President of Algonquin Power Venture ...
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... and industrial roofs in **Toronto**, ON, bad weather always brings a spate ... and track each one until completion. **Jeff Norman**, Canadian Roof's chief ...
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1. [Acrobat Music-Biography](#) 
... Michael's Boys' Choir albums with the **Toronto** Symphony Orchestra since 1973 ... Guido Basso , Phil Nimmons, Paul Read, Marek **Norman, Jeff** Hyslop, Paul McQuillan, David Warrack, Barna ...
www.acrobatmusic.com/Bio.html - [More pages from this site](#)
2. [S2KI Forums -> NEWPORT gathering Update: Sunday June 1st/ WHO is going?](#) 
... Meet at Normans to meet up with **Norman, Jeff** and any others in the area ... Owners - Smoky Mountain S2000 Owners - **Toronto** S2000 Owners (+3 sub-forums) North ...
[s2ki.com/forums/showthread.php?...](http://s2ki.com/forums/showthread.php?...&threadid=124398&pagenumber=1) - 128k - [Cached](#) - [More pages from this site](#)
3. <http://www.chass.utoronto.ca/emls/iemls/shaksper/biogs/n.txt> 
Since then, the Group has produced two full productions, three scene nights, one workshop production, and is in the process of planning the next scene night for Winter Quarter 1995. ... the University of **Toronto** in 1985, and ... **Norman, Jeff** <RJJ46E@prodigy.com ...
www.chass.utoronto.ca/emls/iemls/shaksper/biogs/n.txt - 63k - [Cached](#) - [More pages from this site](#)
4. <http://www.opirg.org/mcmaster/resource.html> 
... - Wizards of Media OZ: Behind the Curtain of Mainstream News, Solomon, **Norman & Jeff** ECO 800 ... Radicals: An annotated bibliography for those **Toronto** Action for Social EDU 300 ...
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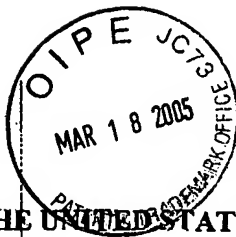
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Exhibit B

Copy of Declaration of Peter A. Sprukulis, dated December 22, 2004



Docket No.: 190262-342957

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeff Norman, Chris Twist, and Doug Campbell

Application No.: 10/798,420

Art Unit: 3624

Filed: March 12, 2004

Examiner: To Be Assigned

For: METHOD AND SYSTEM FOR AN AUCTION

**DECLARATION OF PETER A. SPRUKULIS AND STATEMENT OF FACTS IN
SUPPORT OF FILING ON BEHALF OF JEFF NORMAN UNDER 37 C.F.R. 1.47(a)**

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450
U.S.A.

Dear Sir:

I, Peter A. Sprukulis, being duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent resulting therefrom, declare that:

1. I am the proposed President and Chief Executive Officer ("CEO") of PDQAuto.com, which has a business address located at 1629 The Queensway, Etobicoke, Ontario, Canada, M8Z 1T8.

2. I have information that the above-identified patent application was filed with the United States Patent and Trademark Office ("USPTO"), naming Jeff Norman as a joint inventor, along with Chris Twist and Doug Campbell. I also have information that formal patent documents are required to be executed by all inventors named to this application, in order to comply with the USPTO's formal filing requirements.

3. Additionally, I have information that Ockham's Razor Inc. ("ORI") was the development company contracted by PDQAuto.com to develop the "auction engine" invention embodied in the above-identified patent application, and that Jeff Norman was employed by ORI at the time of the invention.

4. In my capacity as proposed President and CEO of PDQAuto.com, and on behalf of PDQAuto.com, I personally spoke with Jeff Norman by telephone on November 29, 2004. During this conversation, Mr. Norman and I discussed the formal papers relating to the invention claimed in the patent application that was filed with the USPTO; we also discussed PDQAuto.com's desire to arrange for Mr. Norman to sign the formal documents.

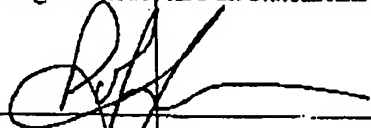
5. While speaking with Mr. Norman, I explained the importance to PDQAuto.com of the intellectual property protected by the patent application. I also requested that Mr. Norman agree to sign the formal patent documents in order to enable PDQAuto.com to finalize the filing requirements for this intellectual property.

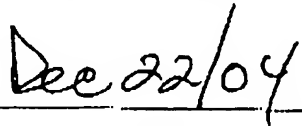
6. In response to my request, Mr. Norman expressly stated to me that he would not agree to sign the formal patent documents, because he felt that he had not been well treated by the management of ORI, and he was not interested in helping them in any manner. Mr. Norman further informed me that he firmly believes that ORI owes him money arising from his earlier employment with that organization, and that he is not prepared to sign the patent documents until something is done to alleviate this issue.

7. Based upon my discussion with Jeff Norman, it is my belief that Mr. Norman clearly understood the nature of the application papers which he refused to review and sign. It is also my belief that Mr. Norman refused to accept delivery of the application papers, and refused to sign the formal documents, because of his impression that he was owed money on the contract out of which the subject invention arose.

8. In addition to the foregoing, I also have information that Mr. Jim Simpson, an employee of PDQAuto.com, discussed with Mr. Norman the application papers and formal patent documents relating to the above-identified application. In my discussion with Mr. Simpson, I learned that Mr. Norman also informed Mr. Simpson of his refusal to sign the patent documents.

9. The facts set forth in this Declaration are true; all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.


Peter A. Sprukulis


Date

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